

## **REMARKS**

This Amendment is response to the Final Office Action of November 1, 2006. Reconsideration and allowance of claims 1, 2, 4, 7-13, and 17-23 is requested.

### **The Office Action**

Claim 4 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Sanders (U.S. Patent No. 6,568,109).

Claims 1-3, 7-14 and 17-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sanders in view of Kniveton et al. (U.S. Patent No. 5,939,996).

Claims 22 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sanders in view of Kniveton as applied to claim 14 above, and further in view of Graff et al. (U.S. Patent No. 5,451,017).

### **Rejection of Claim 4 under 35 U.S.C. § 102(e)**

Claim 4 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Sanders (U.S. Patent No. 6,568,109). This rejection should be withdrawn for at least the following reason: Sanders fails to disclose each and every aspect set forth in independent claim 4.

Independent claim 4 recites "at least one sensor set to detect an external light load directed to the light emitting surface and generate a control signal indicative of a presence of the light load, wherein *the at least one sensor being positioned in an enclosure which is located remotely from the light source...*" "Remotely," is used in claim 4 to mean "in a different location," as described in the specification at page 5, lines 7-10: "Alternatively, the *sensing device 24 is located in a remote enclosure*. The advantage of the *remote location* is the better means for orienting and aligning the sensing device **24** towards the source of the oncoming illumination **16**. It is particularly useful if the signaling device **10** is positioned on sharp bends or transit." Sanders fails to describe this aspect of applicants' claimed innovation.

The Examiner contends that the aspect of a light sensing device, located remotely to a light source or LED, is described by Figure 1 of Sanders. Specifically, the Examiner interprets Figure 1, without the benefit of textual description thereof, to conclude that "photo sensor 4 is located remotely from LED 3 in Figure 1." Contrary to the Examiner's assertion, it is quite evident that the photo sensor depicted in Sanders'

Figure 1 is immediately adjacent to the LED, and that the two devices are mounted in the front surface of the container that houses the device. Thus, the Sanders photo sensor is neither “located in a remote enclosure” nor in a “remote location.”

Accordingly, Sanders fails to describe each and every aspect set forth in the subject claim.

In view of at least the foregoing, it is readily apparent that Sanders fails to anticipate independent claim 4. Withdrawal of this rejection is respectfully requested.

**Rejection of Claims 1-3, 7-14, 17-21, and 23 under 35 U.S.C. § 103(a)**

Claims 1-3, 7-14 and 17-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sanders in view of Kniveton et al. (U.S. Patent No. 5,939,996). This rejection should be withdrawn for at least the following reason: neither Sanders nor Kniveton et al., alone or in combination, teaches or suggests all of the claimed aspects set forth in independent claims 1, 11, and 23.

Independent claim 1 has been amended herein to set forth the aspect that “the at least one LED and the at least one sensor are *disposed on a printed circuit board*,” which aspect was previously set forth in dependent claim 3. This aspect is supported by the specification at, for example, page 5, lines 4-5: “a sensing device **24** such as a photodiode is located on the same printed circuit board as LEDs **20**.” Neither of the cited references teaches or suggests mounting both the LEDs and the sensing device on a printed circuit board.

Independent claim 11, has been amended to set forth the aspect of “mounting the at least one *sensor in a location remote from the light source*.” Similarly, Independent claim 23 has been amended to recite that “the *sensor is positioned remotely from the signaling device*.” The aspect of locating the sensor remotely from the light source was previously set forth in claims 14 and 24. As discussed above with regard to the rejection of claim 4, the specification sets forth, at page 5, lines 7-8: “...the *sensing device 24 is located in a remote enclosure*.” Neither of the cited references sets forth this aspect of the subject claims.

The Examiner, in the rejection of claim 3, asserts that Sanders teaches locating the sensor on a printed circuit board, simply stating that “Sanders discloses one LED 3 and at

least one sensor 4 are disposed on the printed circuit board (fig. 1).” However, a close examination of Figure 1 and the associated description thereof reveals no mention of a circuit board, let alone mounting a sensor thereto. Sanders does, however, mention a circuit board 8 in Figure 2, it is quite clear that the circuit board is positioned on the bottom of the container 7, while the sensor 4 and LED 3 are located in the front surface of the container 7, and attached to the circuit board 8 by one or more cables 10. (See, e.g., Column 3, lines 49-52.) Nowhere does Sanders teach or suggest a sensor *disposed on* a printed circuit board. Kniveton et al. fails to overcome the deficiencies of Sanders with regard to the claimed aspects. Specifically, Kniveton et al. fails to teach or suggest a sensor disposed on a printed circuit board.

Similarly, the Examiner asserts that Sanders teaches locating the sensor on a printed circuit board, stating that “Sanders discloses one sensor 4 is positioned in a location remote from the light source (fig. 1-fig. 2).” Again, examination of the textual description of the referenced figures fails to reveal a teaching or suggestion of a sensor that is located remotely from the light source. Moreover, it is unclear how a visual interpretation of Figures 1 and 2 of Sanders could teach or suggest both a remotely located sensor, as set forth in claims 11 and 23, and a sensor that is disposed on the same circuit board as the light source, as set forth in claim 1. Contrary to the Examiner’s assertion, the sensor 4 of Sanders is positioned immediately adjacent to the light source 3, and thus is not positioned in a location remote from the light source. Kniveton et al. fails to overcome the deficiencies of Sanders with regard to the claimed aspects. Specifically, Kniveton et al. fails to teach or suggest a sensor located remotely from the light source.

In view of the foregoing, it is readily apparent that neither Sanders nor Kniveton et al., alone or in combination, make obvious independent claims 1, 11, and 23 (and claims 2, 7-13, and 17-22, which depend respectively there from). Withdrawal of this rejection is respectfully requested.

#### **Rejection of Claims 22 and 24 under 35 U.S.C. § 103(a)**

Claims 22 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sanders in view of Kniveton as applied to claim 14 above, and further in view of Graff

et al. (U.S. Patent No. 5,451,017). Withdrawal of this rejection is respectfully requested for at least the following reason: Graff et al. fails to overcome the deficiencies of Sanders and Kniveton with regard to the aspect of locating a sensor remotely from a light source.

Claim 22 has been amended to depend from independent claim 11, which now sets for the the aspect of locating a sensor remotely from a light source. Claim 24 has been cancelled herein and the aspects previously recited therein have been added to independent claim 23. Neither of the independent claims (11 and 23) is made obvious by the combination of Sanders and Kniveton, as discussed above. Graff does not overcome the deficiencies of Sanders and Kniveton with regard to teaching or suggesting a locating a sensor remotely from a light source.

In view of the above, it is respectfully submitted that this rejection should be withdrawn.

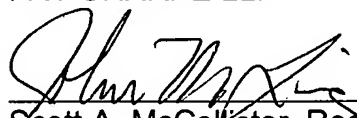
## CONCLUSION

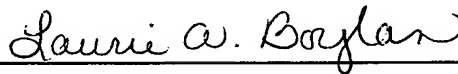
For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1, 2, 4, 7-13, and 17-23) are now in condition for allowance.

Respectfully submitted,

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